

HOME DEPARTMENT

The 16th December, 1997

No. 3/6/97-1H(C).—Procedure to be followed by the Commission Inquiry appointed by the Haryana Government to inquire into the circumstances leading to the death of Sh. Jaspal son of Sh. Ram Phal & Sh. Ashok Kumar son of Sh. Shyam Lal in police firing which took place on 9th October, 1997, at Bhadurgarh and to what extent :—

Regulations of Procedure to be followed by the Commission of Inquiry

1. The Headquarter of the Commission shall be in Room No. 39, 7th Floor Haryana Civil Secretariat Sector 1, Chandigarh.
2. The Commission will ordinarily hold its sittings in Haryana Civil Secretariat, at Chandigarh, but some sittings may be held at Bhadurgarh or at any other place in Haryana or in Delhi. The date, time and venue of the different sittings of the Commission will be notified from time to time.
3. The proceedings of the Commission shall be conducted in English. However, the Commission may in its discretion keeping in view the peculiar facts and circumstances allow the proceedings to be conducted in Hindi. However, where the proceedings are conducted in Hindi, at the same time, its translation shall be taken down.
4. The office of the Commission shall function from 10 A.M. to 1 P.M. and 2 P.M. to 4 P.M. on all days other than the gazetted and declared holidays observed by the Government of Haryana or the Central Government.
5. The hearing of the Commission will be open to the public except when the Commission thinks fit to direct either in public interest or for any other good reason to hold the proceedings in camera in respect of particular person or persons, or any specific subject matter.
6. The entry to the visitors to the Court rooms where the Commission intends to hold public sittings may be regulated by issue of necessary directions on this behalf from time to time.
7. No person shall be permitted to take photographs or tape record the proceedings inside the official premises of the Commission without the specific permission of the Commission.
8. All the communications to the Commission shall be addressed to the Registrar/Secretary of the Commission at its headquarters at Chandigarh at the above address till a change, if any in the address is notified.
9. The Registrar/Secretary of the Commission or any other official of the Commission duly authorised in this behalf may receive any document on behalf of the Commission and shall be authorised to sign the summon and every other process issued by the Commission.

The Commission may at any stage of the proceedings if considers necessary call upon any person or persons who in its opinion are likely to be acquainted with the facts relating to the matters specified in Notification No. 3/6/97-1H(C) dated 24th October, 1997, to file statement of facts on an affidavit. Where it appears to the Commission that the affidavit does not contain a full version of the deponent, the Commission may direct the deponent to submit an additional affidavit making a full disclosure of the facts known to him.

10. The affidavits filed on being invited by the Commission or otherwise shall be attested by Magistrate 1st Class or any other authority empowered to administer oath.

11. the affidavit may be presented personally to the Registrar/Secretary or an official authorised by him in between 11 AM to 1 P.M. or may be sent by Registered acknowledgement due post.

12. The affidavits submitted before the Commission shall as far as possible be in the English language. If the affidavits in a language other than English it shall ordinarily be accompanied by a translation thereof in English duly authenticated to be true translation by an Advocate or Magistrate of 1st Class.

13. The affidavit shall be drawn up in the first person and divided into paragraphs to be numbered consecutively.

14. The opening of the affidavit shall state the description occupation, postal, address, true place of abode of the deponent.

15. The affidavit at the end shall be verified in the following manner :—

“Verified that the statement made in paragraphof the above affidavit are true to my personal knowledge and those of paragraphs from information received and believed to be true”.

16. The Magistrate or the authority before whom the affidavit is sworn, shall make the following endorsement :—

“Sworn before me by the deponent who is identified to my satisfaction byor is personally known to me. The affidavit has been read out in full to the deponent who has signed it after admitting to be correct thisday of1997 at.....

Seal and Signatures of the Magistrate/Authority.

17. All statements required by or affidavits filed before the Commission shall be accompanied by four spare copies thereof with true translation in English.

18. If the information contained in the affidavit is derieved from any document or record, the particulars and nature of such documents, person in custody or control thereof should be indicated and source of such information should be disclosed. If any part of affidavit is verified from information received by the deponent, he shall disclose the source of information.

19. The deponent shall file along with the affidavit a list of such documents on which he intends to rely. He should also a list of witnesses with their full addresses whom he likes to examine in support of his statement in the affidavit along with summary of fact they are likely to depose. Against the name of each witness deponent shall indicate briefly the fact or facts which the witness is expected to prove in his examination and give reason, why instead of oral examination his examination on affidavit will not suffice.

20. The deponent who relies on any document, the original, document or duly certified copy there shall be filed along with the affidavit. If such a document is not in possesseion or control of the deponent shall disclose the particulars of the person in whose custody in the same is alongwith the particulars of the document. In case the document is an afficial record, department or the officer in whose custody and control the document is, shall be indicated.

21. If the deponent intends to file more than one affidavit, he shall indicate in each affidavit the total number of affidavits filed by him and serial number of each affidavit.

22. On examination of all statements that may be furnished in response to the notice issued under Rule 5, the Commission may, if it considers necessary in the interest of justice, call upon person filing an affidavit to give oral evidence and submit himself to cross examination. affidavit to give oral evidence and submit himself to cross examination. The affidavit filed by a person shall be treated as part of his examination-in-chief.

23. The Commission may in its discretion refuse to call any person for oral examination or oral cross-examination instead allow him to be examined on affidavit through interrogatories delivered to him.

24. The Commission may refuse to summon any witness whose evidence in his opinion is unnecessary, irrelevant, scandalus, frivolous vexatious or which may tend to prejudice, embarrass or delay the proceedings and which is otherwise an abuse of process of law.

25. Technical rules of the Evidence Act, as such do not govern the recording and admissibility of evidence before the Commission. However, the fundamental principles of natural justice underlying the primary provisions of Evidence Act shall be followed as a guide.

26. Further regulations of procedure will be devised as and when the necessity for the same arises.

27. The Commission may either Suo moto or on application made by any person or partly delete or expunge any matter from any petition, affidavit or other document, or return any document presented to the Commission which in the opinion of the Commission is irrelevant or needlessly offensive, scurrilous or scandalous.

28. The Commission may in its discretion utilise the services of the officers of any department or investigation agencies for conducting any investigation or for electig views of persons having expertise in the field relating to the inquiry.

29. The Commission reserves its right to alter, modify, delete or add to any of these regulations of procedure at any time during the inquiry, as and when it considers necessary.

By Order of the Commission,

Daya Krishan,
Registrar/Secretary